

Jamie Donaldson

From: Jamie Donaldson
Sent: Friday, April 22, 2022 4:43 PM
To: Beth Zauner
Subject: RE: Turner Rd Question
Attachments: Incomplete Responses Turner Rd-markup.pdf

Hi Beth,

It would not be a problem to change the site plan while we are still reviewing, but please be sure to cloud the areas that have changed for a faster review.

I've done a quick review of the items that were resubmitted, and there seems to be a couple things missing. I've attached a markup of the response letter for your convenience. In addition, it appears there are 2 new applications requested (Class 2 Adjustment and Tree Variance). Please be sure to fill out a land use application (<https://www.cityofsalem.net/CityDocuments/land-use-application-form.pdf>) for each with a specific description of what is being requested, as there is no reference made in the narrative to help me determine the request. For example, for the Class 2 Adjustment, please include a specific description like "an adjustment to reduce the space between driveways from 370 ft to xx ft (or x percent)." For the written statement addressing the approval criteria for the adjustment, it was not made clear whether the requested adjustment is justified based on (i) or (ii) and how it does so; please elaborate.

(A) The purpose underlying the specific development standard proposed for adjustment is:

- (i) Clearly inapplicable to the proposed development; **or***
- (ii) Equally or better met by the proposed development.*

For the tree variance, please indicate the type, size, and number of trees requested for removal on the application linked above. In addition, the criteria for the tree variance was not addressed in full; it should be either (1) or (2), but all subcategories under those sections should be addressed. For instance, as the narrative indicates "(1) Hardship" for the basis of the request, then (A) **and** (B) shall be addressed. Please be sure to elaborate on the special conditions and how the proposal is the minimum necessary.

(1) Hardship.

*(A) There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance; **and***

(B) The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity; or

Your application, which is incomplete, will be deemed complete upon receipt of one of the following:

- (1) All of the missing information.
- (2) Some of the missing information and written notice from you (the applicant) that no other information will be provided.
- (3) Written notice from you (the applicant) that none of the missing information will be provided.

You have 180 days from the date the application was first submitted to respond in one of the three ways listed above, or the application will be deemed void.

Thank you,

Jamie Donaldson

Planner II

City of Salem | Community Development Department

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Due to limited staffing, the Planner's Desk has new temporary hours: 10am-4pm Monday-Friday

Questions on Zoning and Sign Permits can also be submitted by email to Planning@cityofsalem.net

From: Beth Zauner <bethz@aaieng.com>

Sent: Tuesday, April 19, 2022 2:11 PM

To: Jamie Donaldson <JDonaldson@cityofsalem.net>

Subject: Turner Rd Question

Jamie,

Quick question if we provide some updated sheets showing a slightly changed site plan prior to the application being deemed Complete, will that be a problem? What would the process be to do so?

Thanks,

Beth Zauner | Planner

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PLANNING REVIEW CHECKLIST

Subject Property: 4400 Block of Turner Road SE
(Marion County Assessor's Map and Tax Lot No: 082W07C000200)

Ref#: 22-104268-LD (Urban Growth Preliminary Declaration)
22-104269-RP (Class 3 Site Plan Review)
22-104270-LD (Validation of a Unit of Land)
22-104271-ZO (Class 2 Driveway Approach Permit)

RE: Responses to the notice of incomplete checklist.

Item:	
<u>Submittal Requirements</u>	
Complete Application OK	<p>The application form must be signed by the applicant(s), property owner(s), and/or duly authorized representative(s). If the applicant and/or property owner is a Limited Liability Company (LLC), a list of all members of the LLC must be provided with your land use application.</p> <p>The current vesting deed provided indicates ownership belonging to Neliton Investments LLC, and the application was submitted by Phelan MJD2 LLC. Please provide Articles of Organization for both Neliton Investments LLC and Phelan MJD2 LLC.</p>

Response: The application has been signed by the current property owner, Neliton Investments, LLC

Signing Authority Not addressed	<p>In addition, the application was signed by Michael DeArmey, who does not appear to be a registered agent of either LLC. Please provide proof that Michael DeArmey can sign on behalf of Neliton Investments LLC.</p>
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Response: Articles of Organization for Neliton Investments, LLC is included in this resubmittal package.

TGE Form Missing	<p>A Trip Generation Estimate (TGE) form must be completed by the applicant and submitted with the application to determine whether a Transportation Impact Analysis is required. Please also see completeness review comments from Public Works below.</p>
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Response: A Trip Generation Estimate form is included in this resubmittal package.

Title Report Missing	<p>A preliminary title report not older than 30 days for each affected property is required. The title report submitted is out of date as it was effective August 27, 2021. Please submit a current title report for the property.</p>
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Response: A current Title Report is included in this resubmittal package.

VUL Plat Lawful creation under review	A plat prepared in accordance with SRC 205.035 and ORS 92 is required. A tentative plat may be submitted that complies with all items listed under SRC 205.030(a) . Please provide a tentative plat map addressing all items listed in the code section(s) above.
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Response: The subject lot was not unlawfully created. The narrative previously submitted provides written documentation. Therefore, a tentative plat is not required.

County Written Statement Lawful creation under review	For a unit of land unlawfully created outside the City, a written statement from the county identifying the zoning of the property at the time the unit of land was created and either: <ul style="list-style-type: none"> • A written statement from the county confirming the unit of land could have complied with the applicable criteria for creation of the unit of land in effect when it was created; or • A copy of the land division and zoning regulations applicable to the property at the time the unit of land was created. <p>Please provide one of the options above along with a written statement from the county identifying zoning of the property at the time the unit of land was created.</p>
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Response: The subject lot was not unlawfully created, therefore this statement is not required. The lot was created by deed in 1967, prior to the platting laws from 1979.

Written Statement Needs work	The narrative submitted makes reference to a Class 2 Site Plan Review on pages 6-7; the application submitted is for a Class 3 Site Plan Review. Please revise the written statement to address approval criteria for a Class 3 Site Plan Review under SRC 220.005(f)(3) .
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Response: The Narrative has been revised to correct the Class of the Site Plan application. The Narrative has been revised with the addition of the approval criteria for a Class 3 Site Plan Review. The revised narrative is included in this resubmittal package.

<u>Site Plan Review Items</u>	
Pedestrian Access OK	Pedestrian connections shall be provided meeting the design and material standards under SRC 800.065(b). Please indicate how the walkway crossing the drive aisle will be visually differentiated to meet these standards.

Response: Pedestrian access is provided from the building main entrances to the existing public right of way per SRC standards. Pavement at the walkway crossing will be contrasting material (concrete) versus than the main road (asphalt); civil will provide alternate options during CDs and building department review.

Solid Waste Service Area	Please provide dimensions and design details for the proposed trash enclosure(s) that illustrate compliance with the standards set forth in SRC 800.055.
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Response: Trash enclosure plans and details have been provided on sheet A-5. Trash enclosures design complies with SRC 800.055 for trash bin sizes of 2 to 3 cubic yard bins.

Bicycle Parking Design does not meet standards	<p>It appears the bicycle parking requirement is 15 spaces as opposed to the 4 indicated on the plans, due to the dual uses of Office and General Warehousing. Please review the required bicycle parking requirements in Table 806-8 and adjust accordingly, providing additional bicycle parking to meet the minimum requirement.</p> <p>Please also provide spacing dimensions and bike rack design details for the proposed bicycle racks that illustrate compliance with the standards set forth in SRC 806.060.</p>
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Response: The proposed bicycle parking has been updated to provide a bicycle rack that serves (5) bicycle parking spaces. (3) bicycle racks have been provided, (1) at each entry, to allow for a total of (15) spaces. Details have been added; refer to detail 4/A-5

Tree Removal, Inventory, Removal of Significant Trees No application/request submitted	<p>SRC 808.025 provides that no person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035 or undertaken pursuant to a tree variance granted under SRC 808.045. In addition, there appears to be at least two significant trees indicated to be removed on the tree removal plan. Removal of the trees indicated on the tree removal plan requires a Tree Variance application and approval under SRC 808.045.</p>
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Response: A tree variance is requested and is discussed in the revised narrative.

<u>Historic and Cultural Resources Protection Zone</u> OK	<p>The subject property is within the Historic and Cultural Resources Protection Zone. Please contact the Historic Preservation Program Manager, Kimberli Fitzgerald, at kfitzgerald@cityofsalem.net or at (503) 540-2397, to discuss applicable regulatory requirements.</p> <p>The City of Salem Historic and Cultural Resources Protection Zone Lookup map can be found at: https://www.cityofsalem.net/Pages/protecting-salem-historic-and-cultural-resources.aspx.</p>
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Response: An email from Kimberli Fitzgerald was included in the application submittal. A copy of that email is included in this resubmittal package.

<u>Items of Concern</u>	Failure to address issues could result in denial of the application.
Class 2 Adjustment No application/request submitted	A Class 2 Adjustment application is required in coordination with the proposed Class 2 Driveway Approach Permit due the driveway not meeting the spacing standard of 370 feet in SRC 804.035(d) . A written statement shall be provided how the proposal meets the criteria for adjustment under SRC 250.005(d)(2) .

Response: A Class 2 Adjustment application is included in this submittal package to address the proposed driveway spacing. Please refer to SRC 250.005(d)(2), in the revised narrative.

Legal Lot Determination	Additional information is required to determine the legal title and status of the subject properties.
Lawful creation under review	<p>In 1988, it appears Nicholas conveyed land that was vested to Lloyd Hill, and a piece of land owned by Nicholas was conveyed by Lloyd Hill to Richard Hill. In short, it appears that multiple pieces of land were conveyed to another without the person having the legal right to do so. Sufficient evidence was not provided that proves the 1985 Property Line Adjustment show on County Survey 030637 transferred any title between the adjacent properties. A correction deed of just the Hill property is not enough to adjust the boundary line between said property and the lands described in Reel 312, Page 1963 to Nicholas; a correction deed for the Nicholas property would also need to be recorded to ratify this adjustment. Please also note, a record of survey alone does not convey property; property must be conveyed by deed or other legal means.</p> <p>Evidence of a lawful adjustment of the land of Nicholas and resulting in a clear color of title for each property shall be submitted for review before the approval of any City land-use action. Please feel free to call for further clarification.</p>

Response: Additional deeds showing the 1988 conveyances are included with this response. All grantors and grantees were included, therefore this was legal. The deeds were recorded to correct the location of the deed line to follow the existing improvements and lines of occupation between the parcels.

Public Works Comments	Please see Public Works completeness review comments below. The applicant may contact Laurel Christian in Public Works Development Services at 503-588-6211 with any questions.
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1. A Class 2 Adjustment for driveway spacing is required in coordination with the proposed Class 2 Driveway Approach Permit due the driveway not meeting the spacing standard of 370 feet in SRC 804.035(d). In addition, the applicant shall provide findings for how the proposed driveway meets the criteria in SRC 804.025(d) and SRC 250.005(d)(2).

Response: A Class 2 Adjustment application is included in this submittal package to address the proposed driveway spacing and the criteria in SRC 804.025(d) and SCR 250.005(d)(2) has been added to the revised Narrative.

2. A Trip Generation Estimate (TGE) is required as part of the submittal packet pursuant to SRC 220.005(e)(1)(D).

Response: A Trip Generation Estimate form is included in this resubmittal package.

- OK
3. The submitted site plan does not include existing easements. The applicant shall include all easements located on the site pursuant to SRC 220.005(e)(2)(C).

Response: Civil site plan sheets have been revised to include the existing easement located on the site. Please refer to Sheet C1.0, C2.0 and C3.0 for details.

ADDITIONAL ITEMS (NOT INCOMPLETE ITEMS)

1. An existing floodplain is located on the subject property as designated on the Federal Emergency Management Agency floodplain maps. Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined the 100 year base flood elevation for the subject development is approximately 230 feet. The proposed building shall have a minimum lowest floor elevation of 231-feet. The applicant is advised that an overland flow analysis will be required as a condition of the floodplain development permit to ensure that the building location does not increase the base flood elevation or otherwise increase the risk of flood damage to adjacent properties.

Response: The proposed building has been designed with a finished floor elevation of 232 feet to comply with the required separation to the base flood elevation. Additionally, a stormwater report will be provided to show that the proposed stormwater detention system for the site decreases the discharge rates from the site and thus, provides reasonable assurance that there will be no increase to the base flood elevation.

2. The applicant is advised to coordinate with Tony Martin, Assistant City Traffic Engineer (tmartin@cityofsalem.net or 503-588-6211) regarding potential modifications to the Traffic Impact Analysis and the intersection sight distance analysis. The City's initial comments are as follows:
 - a. The analysis does not appear to account for the design vehicle using the site (single-unit trucks) or for the trees and landscaping that will be required along the frontage between the two driveways. The applicant's engineer shall update the sight distance calculations to account for the appropriate design vehicle and the landscaping as shown on sheets L1.1-L1.6 and make recommendations to mitigate the sight distance. The potential problems include the southerly direction at Driveway #1 and the northerly direction at Driveway #2.

Response: For the north driveway, the applicant will limit access to right-in/right-out/left-in movements with no left-turn out permitted. This driveway will have adequate sight lines for the recommended intersection sight distance for trucks turning right out of the driveway.

For the south driveway, the applicant is applying for an exception to provide a planter strip between the north and south driveways that will not have street trees. Landscape plantings should be selected so that they can easily be maintained at a height of 30 inches or less. On-site parking between the two driveways will not be part of the development. With these provisions, the driveway will have adequate sight lines for the recommended intersection sight distance for passenger vehicles turning left and right out of the driveway.

- b. A 12-foot-wide center turn lane in Turner Road along the frontage of the property may be necessary to mitigate the anticipated truck traffic. This may require pavement widening on the opposite side of Turner Road in addition to the normal half-width boundary street improvement.

Response: The anticipated truck trip generation for the proposed development will be well below the threshold for consideration of a left-turn lane at the north driveway. Based on the time-of-day distribution data, approximately eighty percent of truck trips occur outside of the peak hours for the adjacent street traffic, which is between 7:00 AM and 9:00 AM and between 4:00 PM and 6:00 PM. Furthermore, Turner Road has no turn lanes right now, not even at major intersections. The traffic along the roadway can expect left-turning passenger vehicles and trucks in the through travel lane at any driveway or intersection along the corridor.